

Brownback	Feinstein	McConnell
Bunning	Fitzgerald	Mikulski
Burns	Frist	Miller
Byrd	Graham	Murkowski
Campbell	Gramm	Murray
Cantwell	Gregg	Nelson (NE)
Carper	Hagel	Nickles
Chafee	Hatch	Reed
Clinton	Helms	Roberts
Cochran	Hollings	Santorum
Conrad	Hutchinson	Sarbanes
Corzine	Inhofe	Schumer
Craig	Inouye	Sessions
Crapo	Kerry	Shelby
Daschle	Kohl	Smith (OR)
DeWine	Kyl	Stevens
Domenici	Leahy	Thomas
Dorgan	Levin	Thompson
Edwards	Lieberman	Thurmond
Ensign	Lincoln	Torricelli
Enzi	Lott	Voivovich
Feingold	Lugar	Wyden

The PRESIDING OFFICER (Ms. STABENOW). On this vote, the ayes are 25, the nays are 75. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. BOND. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, what is the regular order? I understand we are to move temporarily off VA-HUD for the Hutchinson nomination.

The PRESIDING OFFICER. The Senator is correct.

Ms. MIKULSKI. I ask for the regular order.

EXECUTIVE SESSION

NOMINATION OF ASA HUTCHINSON TO BE ADMINISTRATOR OF DRUG ENFORCEMENT

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of ASA HUTCHINSON, of Arkansas, to be Administrator of Drug Enforcement.

The PRESIDING OFFICER. Who yields time? The Senator from Vermont.

Mr. LEAHY. Madam President, is there a time agreement entered on this nomination?

The PRESIDING OFFICER. There are three Senators controlling 10 minutes each.

Mr. LEAHY. Normally as chairman of the authorizing committee I would go first, but I see the distinguished Senator from Arkansas. I yield first to him as a matter of courtesy, and then I will speak.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I will be very brief. I have risen with great pride to speak in favor of the nomination of my brother, ASA, to head the Drug En-

forcement Administration. I thank all of my colleagues.

I express my appreciation today to all my colleagues who have treated ASA with such courtesy, such respect, through the confirmation process. I especially express my appreciation to Senator LEAHY, the chairman of the Judiciary Committee, and to Senator HATCH, for their willingness to be prompt in the hearings and, more than that, their kind comments about ASA and their support. I also express my appreciation to the leaders of the Senate: To Senator DASCHLE, for his support and for his willingness to move the nomination before the August recess, and for his cooperation, as well as Senator LOTT and his support.

I know ASA would express great appreciation to the Judiciary Committee. They voted 19-0, a unanimous vote. I have great pride in my brother and in his accomplishments, the service he has rendered in the House of Representatives, his willingness to take on the greatest challenge of his life in leading this effort in the war on drugs, and leading this very large and very important agency. He has gained great respect for this institution, the Senate. He has gained great respect for the Members of this institution, and in the cases of so many who know him personally, he holds great affection and values those friendships.

I have been asked many times the question, Why? Why does he want this job? Why would he leave what is regarded by many as a safe seat in the House of Representatives? I don't have all the answers to that, but I know he has always wanted to take on a challenge. You could not have a greater challenge than this. More than a challenge, I know ASA has a very deep conviction on this issue. It goes back to his days as a U.S. attorney, and certainly it has been something in which he has been deeply involved, the issue in the House of Representatives serving on the Speaker's task force on the war on drugs.

I have great confidence that ASA will bring his abilities to bear with tremendous focus on this new challenge and this new job. He is going to be able to inspire, he will be able to manage, and he will be able to motivate this agency in a new way. I know he will bring greater energy to the task and a great vision for a drug-free America.

I thank my colleagues for their support for my brother and look forward to this vote.

Mr. LEAHY. I thank the Senator from Arkansas for his gracious comments. I am pleased to vote in favor of the nomination of ASA HUTCHINSON. As chairman of the Judiciary Committee, I noticed a hearing for Representative HUTCHINSON only a very few days after the Senate was reorganized. I then held a hearing the following Tuesday, and scheduled a committee vote for the

first Thursday that it was possible to do so. We were able to move so quickly because Representative HUTCHINSON has substantial bipartisan support, and because those of us on both sides of the aisle view our efforts to reduce drug abuse as a matter of great importance.

Mr. HUTCHINSON was not only recommended by the Bush Administration, and, of course, by his Republican colleagues in the House, but also by 14 of the Democrats whom he serves with on the House Judiciary Committee, who wrote to me in his favor. The ranking member, a Democrat, Representative CONYERS from the home State of the Presiding Officer, came and testified in favor of him.

Mr. HUTCHINSON's background is well-suited to his new position as DEA Administrator. He has been deeply involved in drug issues as both a United States Attorney in Arkansas in the 1980s and as a House member. In addition to serving on the House Judiciary Committee, he is a member of the Committee on Government Reform's Subcommittee for Criminal Justice, Drug Policy, and Human Resources, has served on the Speaker's Task Force for a Drug Free America, and has reviewed Plan Colombia as a member of the Permanent Select Committee on Intelligence.

The Senator from Arkansas mentioned that his brother learned a great deal about the Senate during the number of days he spent on the Senate floor on another matter, the impeachment trial of President Clinton. He and I were on opposite sides on that issue, but we spent a lot of time together during that process, including during the deposition phase of the trial.

I heard a number of people say the Democratic Senators on the Judiciary Committee and this chairman would not approve a House manager from that impeachment trial, or that we might delay him for months and months and months, as was done over the last administration. Nothing could be further from the truth. I had a great deal of respect for him every time I dealt with him. He was absolutely truthful with me. He never broke his word to me, never broke a commitment to me, or vice versa, I might say. It was the way Congress used to be and always should be. Members always kept their word and a commitment with each other and were honest with each other. He was that way with me.

I was grateful for Representative HUTCHINSON's words at the hearing:

Chairman Leahy, if I might, it would have been easy for you to yield to some of those who expected a critical view of my nomination because of previous controversies, which found us on different sides. But I want to thank you personally for taking a different approach and for seeing my nomination as an opportunity to demonstrate to the American people that, despite any differences that might exist, we can be in harmony on one of the most critical problems that faces our nation.

Representative HUTCHINSON and I have similar views about some of the drug issues facing the United States, and I am sure we will occasionally have differing views about others. But I appreciated the candor with which he answered the questions of committee members at both his hearing and in subsequent written questions. I know that he will take to heart the matters that committee members raised, especially the need to revisit our current use of mandatory minimum sentences for criminal drug offenses. A 1997 study by the RAND Corporation of mandatory minimum drug sentences found that "mandatory minimums are not justifiable on the basis of cost-effectiveness at reducing cocaine consumption, cocaine expenditures, or drug-related crime." Despite this study and the mounting evidence of prison overcrowding we have seen in the ensuing years, legislators continue to propose additional mandatory minimums. I know that Representative HUTCHINSON has expressed some hesitancy about expanding mandatory minimums, and I hope we can work together on this issue.

I was happy to hear the nominee offer his support in his oral and written testimony for drug treatment and prevention efforts. He and I agree that although law enforcement plays a vital role in stopping drug abuse, law enforcement alone cannot do the job. Both the Congress and the Administration need to do more to reduce demand, and I hope that Mr. HUTCHINSON will be a partner in that effort.

The nominee has also expressed concerns about the sentencing disparity between those convicted of offenses involving crack and powder cocaine. Current Federal sentencing guidelines treat one gram of crack cocaine and 100 grams of powder cocaine equally for purposes of determining sentences. The U.S. Sentencing Commission has previously recommended equalizing these penalties by reducing the mandatory minimum penalties that currently apply to crack offenses. Unfortunately, Congress has not followed that recommendation. Finding a fair solution to this problem has been stalled by concerns that addressing this issue is too politically perilous—this Congress should overcome those fears and solve this discrepancy.

In conclusion, ASA HUTCHINSON is an excellent nominee. I am glad that the Judiciary Committee was able to work with him and with the Administration to expedite his nomination, and I look forward to working with him over the coming years.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I am pleased to support ASA HUTCHINSON to this position. It is one of the most important positions in our country. I believe he is the right man for the right job and he will do a

job that I think will make everyone proud.

ASA HUTCHINSON is a giant in the House of Representatives. I agree with his brother, I don't know why he is leaving the House of Representatives, but this is a very challenging, important job and he is up to that job. I have every confidence he will do a terrific job and have the support of Congress in doing so.

I was so impressed with ASA HUTCHINSON during the impeachment matter. He always acted fairly, he acted in a measured, considered way, he was decent throughout, and of course he was extremely talented as a lawyer, somebody for whom I have the utmost respect, and I am very pleased to support him today.

I commend the Senate Democratic leadership for calling up the nomination of Congressman ASA HUTCHINSON, who will be the next Administrator of the Drug Enforcement Administration. DEA needs a dynamic, innovative, and experienced leader, and I am confident that Congressman HUTCHINSON's past experiences prosecuting drug crimes as a United States Attorney and formulated drug policy as a Congressman have prepared him well to take the helm of the DEA. I applaud President Bush for focusing intently on this crucial issue and for his excellent choice of nominees to head America's two most important anti-drug offices, the DEA and the White House Office of National Drug Control Policy (ONDCP).

The epidemic of illegal drug use in this country remains one of our most urgent priorities. There is a growing consensus that we need a comprehensive strategy embracing both demand and supply reduction in our struggle against drug abuse. I have said repeatedly that the time has come to increase the resources we devote to preventing people from using drugs in the first place and to breaking the cycle of addiction for those whose lives are devastated by these substances. This is a bipartisan view, which I am pleased to say is shared by our President, Congressman HUTCHINSON, and by many of my Senate colleagues.

While we need to shore up the resources dedicated to prevention and treatment, we must remain committed to the necessary and integral role law enforcement plays in combating drug use. The DEA has a long, distinguished history of protecting America's citizens from the destructive drugs sold by traffickers and the attendant violence. Particularly in today's world, where drug trafficking is an international, multibillion dollar business, DEA's cooperative working agreements with foreign source and transit countries are essential in preventing illegal drugs from being smuggled into the United States.

While I commend the Senate Democratic leadership for scheduling the

vote on Congressman HUTCHINSON, I also urge them to schedule promptly a hearing and confirm John Walters, whose nomination to be Director of ONDCP is being stalled. Almost three months have passed since the President announced his intent to nominate Mr. Walters to be the country's next drug czar, and yet he remains the only cabinet level nominee who has not been confirmed, much less granted a hearing.

There are many good reasons why we need a drug czar, but the most important one is that we owe it to our youth. Tragically, drug use by teens is again rising, particularly use of so-called "club drugs" such as Ecstasy and GHB. Over the past two years, use of ecstasy among 12th graders increased dramatically by 140 percent. Predictably, during this same period the number of emergency room visits associated with the use of ecstasy also increased a shocking 295 percent. By the time they graduate from high school, over 50 percent of our youth have used an illicit drug.

We cannot play politics with the drug czar position. We need to act immediately to reverse these soaring numbers and to prevent our youth from endangering their lives. Mr. Walters is well-qualified to lead this effort, and he has the support of law enforcement, prevention groups, and public policy organizations. I urge the Chairman of the Judiciary Committee, my good friend Senator LEAHY, to schedule a hearing soon for Mr. Walters. Once the top positions at both the DEA and ONDCP have been filled, we can all begin to work together to effect real change that will benefit all Americans.

Mr. SESSIONS. Madam President, I rise to make some remarks about ASA HUTCHINSON. I had the pleasure of serving with him as U.S. attorney. We met at a conference. I remember having breakfast with him. We had never met before. I learned something about him, his character and his commitment to public service.

He is going to be one of the finest DEA leaders we have ever had. He served on the House Judiciary Committee. I worked with him on that committee, since I have been on the Senate Judiciary Committee. During that time, I came to respect him terrifically.

During the impeachment hearings, he had the burden of stating the case, basically the factual allegations involved, as one of the House managers. In my view, as a prosecutor of over 16 years, his was the most comprehensive, most intelligent, most valuable statement that occurred during that entire hearing. If anybody would like to know what the facts were and what the allegations were in that impeachment hearing, they should read his summary of the facts. It did exactly what he was required to do: faithfully and fairly and

honestly state the allegations that were there and the facts that backed them up. It was comprehensive, honest, and complete. I respected him for it.

His brother TIM, of course, serves in this body. I serve with him on two committees. I respect TIM terrifically. They are both men of integrity, deep personal faith, and a commitment to public service that is remarkable.

ASA HUTCHINSON will reflect well on President Bush as his nominee. I think he will do an outstanding job. I look forward to working with him, and I know he will effectively turn the tide against increasing drug use in America.

Finally, let me say, with regard to the FBI and the DEA, now we have seen two of the finest nominees you can expect to have in Bob Mueller, a professional's professional, a man who has received prominence in both Democrat and Republican administrations, as the head of the FBI, and ASA HUTCHINSON at DEA, a man of commitment and integrity and ability to head that important organization.

I am excited for both of them. I believe the President has done a good job. I think America will be served well by their efforts.

Mr. LEAHY. I yield back the remainder of my time.

Mr. HATCH. I yield back the remainder of my time.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The PRESIDING OFFICER (Mrs. CARNAHAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 264 Ex.]

YEAS—98

Akaka	Corzine	Hutchinson
Allard	Craig	Hutchison
Allen	Crapo	Inhofe
Baucus	Daschle	Inouye
Bayh	DeWine	Jeffords
Bennett	Dodd	Johnson
Biden	Domenici	Kennedy
Bingaman	Dorgan	Kerry
Bond	Durbin	Kohl
Boxer	Edwards	Kyl
Breaux	Ensign	Landrieu
Brownback	Enzi	Leahy
Bunning	Feingold	Levin
Burns	Feinstein	Lieberman
Byrd	Fitzgerald	Lincoln
Campbell	Frist	Lott
Cantwell	Graham	Lugar
Carnahan	Gramm	McConnell
Carper	Grassley	Mikulski
Chafee	Gregg	Miller
Cleland	Hagel	Murkowski
Clinton	Harkin	Murray
Cochran	Hatch	Nelson (FL)
Collins	Helms	Nelson (NE)
Conrad	Hollings	Nickles

Reid
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions

Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas

Thompson
Thurmond
Torrice
Torrice
Voinovich
Warner
Wellstone
Wyden

NAYS—1

Dayton

NOT VOTING—1

McCain

The nomination was confirmed.

Mr. LEAHY. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE EXPLANATION

Mr. MCCAIN. Madam President, I ask unanimous consent that on the vote regarding the nomination of ASA HUTCHINSON to be the Administrator of the Drug Enforcement Agency, that if I were present, I be recorded as having voted "yea."

The PRESIDING OFFICER. Without objection it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

The Senator from Nevada.

ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that when the Senate considers the Boxer amendment—which will be immediately—regarding arsenic, that there be 60 minutes for debate, with the time equally divided and controlled between Senators Boxer and Bond or their designees, with no second-degree amendments in order thereto, that upon the use or yielding back of time, the Senate, without intervening action or debate, proceed to vote in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Madam President, reserving the right to object, and I will not object, would the distinguished leader be willing to amend that to allow me to speak before that for 4 minutes on judicial nominations?

Mr. REID. I will be happy to amend that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, the majority leader has asked me to announce to everyone that he wants to finish this bill tonight. We have exchanged lists with the minority. Hopefully, by the time we finish this next debate, we will be in a posture to lock in whatever amendments are in order and move forward on this bill.

As everyone knows, there are a lot of people interested in the Agriculture

bill. That has been around for a day or two. So Senator DASCHLE wanted me to state that he wants to do everything he can to finish this bill tonight. We hope people will understand there will be some votes throughout the evening.

The PRESIDING OFFICER. The Senator from Vermont.

NOMINATIONS

Mr. LEAHY. Madam President, I thank the Senate for moving expeditiously on the Hutchinson nomination. I note that on Monday and Tuesday of this week the Judiciary Committee followed through on its confirmation hearing for Robert Mueller III, the President's nominee to be Director of the Federal Bureau of Investigation. I mention this because this was the fifth confirmation hearing the Judiciary Committee held in July for judicial and executive branch nominees, which is pretty good because we were not allowed, under the reorganization, to have Members assigned to our committee until July 10.

In fact, I cannot think of any time in the last 6 years where the Judiciary Committee held five confirmation hearings in 3 weeks. Two of those hearings involved judicial nominees to the Courts of Appeals.

I appreciate the fact that the Senator from Montana, Mr. Baucus, noted that we held the hearing on the two district court nominees for Montana "in a very expeditious fashion." It was gracious of Senator HUTCHINSON to offer his thanks for our scheduling the confirmation hearing of ASA HUTCHINSON to be head of the DEA "so expeditiously" after Senate reorganization. I appreciate William Riley, the nominee to the Eighth Circuit Court of Appeals, thanking the Judiciary Committee for "holding a prompt hearing." It was gratifying when Senator COCHRAN noted that he was "very pleased with the dispatch" with which we held a hearing on the nomination of Jim Ziglar to head the INS. And this week, Mr. Mueller thanked us for holding his hearing as quickly as we did.

With respect to executive branch nominees, considering the fact that the committee has only been able to hold hearings for 3 weeks, our work period has been outstanding. We held back-to-back days of hearings for the President's nominees to head the Drug Enforcement Administration and the Immigration and Naturalization Service 2 weeks ago, and 2 days of hearings on the nominee to head the FBI this week. In addition, we have held hearings on the Assistant Attorney General to head the Tax Division, the Assistant Attorney General to head the Office of Justice Programs, and the Director of the National Institute of Justice—all in July.

We would have done more if we had been allowed to do this, of course, during the month of June. So the Senate